

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH

In re: Henry Carisio, Jr.

Petition No. 2011-349

PRELICENSURE CONSENT ORDER

WHEREAS, Henry Carisio of Cheshire, Connecticut (hereinafter "respondent") has applied for licensure to practice massage therapy by the Department of Public Health (hereinafter "the Department") pursuant to Connecticut General Statutes, Chapter 384a, as amended.

WHEREAS, respondent admits:

1. The Department has at no time issued respondent a license to practice massage therapy under Connecticut General Statutes, Chapter 384a.
2. Respondent pleaded guilty in 2007 to two felony counts of Burglary in the 3rd Degree.
3. Because of the above-referenced conduct, respondent was sentenced to jail for four years, execution suspended. He was also placed on probation for four years.
4. In 2008 respondent pleaded guilty to having violated probation.
5. From approximately 2006 through 2010 respondent abused heroin and Oxycontin to excess.
6. The conduct described above constitutes grounds for the denial of respondent's application for licensure pursuant to §19a-14 of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to Connecticut General Statutes §19a-14 of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives the right to a hearing on the merits of his application for licensure.
2. After satisfying the requirements for licensure as a massage therapist as set forth in Connecticut General Statutes Chapter 384a, respondent's license to practice massage therapy will be issued.
3. Respondent's license to practice massage therapy in the State of Connecticut shall, immediately upon issuance, be placed on probation for two (2) years under the following terms and conditions:
 - a. Respondent shall participate in regularly scheduled therapy at his own expense with a licensed or certified therapist pre-approved by the Department (hereinafter "therapist.")
 - (1) Respondent shall provide a copy of this Consent Order to his therapist.
 - (2) Respondent's therapist shall furnish written confirmation to the Department of his or her engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
 - (3) If the therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy sessions is warranted, or that respondent should be transferred to another therapist, the therapist shall advise the Department, and the Department shall pre-approve said

termination of therapy, reduction in frequency of therapy sessions, and/or respondent's transfer to another therapist.

- (4) The therapist shall submit reports quarterly which shall address, but not necessarily be limited to, respondent's ability to practice massage therapy safely and competently and in an alcohol and substance free state. Said reports shall continue until the therapist determines that therapy is no longer necessary or probation has terminated.
 - (5) The therapist shall immediately notify the Department in writing if the therapist believes respondent's continued practice poses a danger to the public or if respondent discontinues therapy and/or terminates his or her services.
- b. Respondent shall refrain from the ingestion of alcohol in any form and the ingestion, inhalation, injection or other use of any controlled substance and/or legend drug unless prescribed or recommended for a legitimate therapeutic purpose by a licensed health care professional authorized to prescribe medications. Respondent shall inform said licensed health care professional of respondent's substance abuse history. In the event a medical condition arises requiring treatment utilizing controlled substances, legend drugs, or alcohol in any form, respondent shall notify the Department and, upon request, provide such written documentation of the treatment as deemed necessary by the Department.
- (1) Respondent at his own expense, shall submit to weekly random observed urine screens for alcohol, controlled substances, and legend drugs; in accordance with Department Requirements for Drug and Alcohol Screens, attached hereto marked as ('Attachment A: Department Requirements for Drug and Alcohol Screens.') Respondent shall submit to such screens on a more frequent basis if requested to do so by the therapist or the Department. Said screens shall be administered by a facility approved by the Department. All such random screens shall be legally defensible in that the specimen donor and chain of custody shall be identified throughout the screening process. All laboratory reports shall state that the chain of custody procedure has been followed.
 - (2) Laboratory reports of random alcohol and drug screens shall be submitted directly to the Board and the Department by the testing laboratory. All such screens shall be negative for alcohol, controlled substances, and legend drugs, except for medications prescribed by respondent's physician. If respondent has a positive urine screen, the facility shall immediately notify the Department. All positive random drug and alcohol screens shall be confirmed by gas chromatograph/mass spectrometer testing.
 - (3) Respondent understands and agrees that if he fails to submit a urine sample when requested by his monitor, such missed screen shall be deemed a positive screen.
 - (4) Respondent shall notify each of his health care professionals of all medications prescribed for him by any and all other health care professionals.

- (5) Respondent is hereby advised that the ingestion of poppy seeds, mouthwash and over the counter cough or cold medicines or remedies has from time to time, been raised as a defense to a positive screen result for morphine, opiates and/or alcohol. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances, mouthwash and over the counter cough or cold medicines or remedies during the term of this Consent Order. In the event respondent has a positive screen for morphine, opiates and/or alcohol, respondent agrees that the ingestion of poppy seeds and/or mouthwash and/or over the counter cough or cold medicines or remedies shall not constitute a defense to such a screen.
- c. Respondent shall attend "anonymous" or support group meetings on an average of eight to ten times per month and shall provide quarterly reports to the Department concerning his record of attendance.
 - d. During the period of probation, respondent shall report any arrest to the Department under the provisions of Connecticut General Statutes §14-227a. Such report shall occur within fifteen (15) days of such event.
 - e. Respondent shall provide his employer at each place where he practices as a massage therapist with a copy of this Prelicensure Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of employment at a new facility. Respondent agrees to provide quarterly reports from such employer stating that he is practicing with reasonable skill and safety and in an alcohol and substance-free state.
 - f. During the period of probation, respondent shall only practice as a massage therapist in an office and practice setting that physically includes other licensed massage therapists on-site while respondent is practicing at said office and practice setting.
 - g. Respondent shall obtain written approval from the Department prior to obtaining and/or changing his employment.
4. All reports and correspondence required by this Prelicensure Consent Order shall be due according to a schedule to be established by the Department and mailed to:
- Bonnie Pinkerton, RN, Nurse Consultant
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, Connecticut 06134-0308
- 5. Respondent shall comply with all state and federal statutes and regulations applicable to his licensure.
 - 6. Respondent shall pay all costs necessary to comply with this Prelicensure Consent Order.
 - 7. Any alleged violation of any provision of this Prelicensure Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.

- b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the Department's satisfaction, he shall be entitled to a hearing before the Department which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Prelicensure Consent Order.
8. If, during the period of probation, respondent practices as a massage therapist outside Connecticut, he shall provide written notice to the Department concerning such employment. During such time period, respondent shall not be responsible for complying with the terms of probation of this Prelicensure Consent Order, and such time period shall not be counted in reducing the probationary period covered by this Prelicensure Consent Order. Respondent may comply with the terms of probation while practicing outside Connecticut if pre-approved by the Department. If respondent intends to return to the practice of massage therapy in Connecticut, respondent shall provide the Department with thirty (30) days prior written notice and agrees to comply with all terms and conditions contained in paragraph 3 above.
9. In the event respondent violates any term of this Prelicensure Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Department.
10. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Department's Practitioner Licensing and Investigations Section, Healthcare Systems Branch.
11. This Prelicensure Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Department.
12. Respondent understands this Prelicensure Consent Order is a public document and evidence of the above admitted violations in any proceeding before the Department in which his compliance with this Prelicensure Consent Order is at issue. Further, respondent understands that any discipline imposed by this Prelicensure Consent Order shall be reported to the National Practitioner Data Bank.
13. If respondent violates any term of this Prelicensure Consent Order, respondent agrees immediately to refrain from practicing as a massage therapist, upon request by the Department for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. If requested by the Department, respondent agrees to undergo a substance abuse evaluation and to submit the results of the evaluation directly to the Department. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a summary suspension of

respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered and shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes §§4-182(c) and 19a-17(c). The Department and respondent understand that the Department has complete and final discretion whether a summary suspension is ordered.

14. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
15. This Prelicensure Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent understands that this Prelicensure Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Order is not subject to appeal or review under the provisions of Connecticut General Statutes Chapters 54 or 368a, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
16. This Prelicensure Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
17. Respondent permits a representative of the Legal Office of the Healthcare Systems Branch to present this Prelicensure Consent Order and the factual basis for this Prelicensure Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Prelicensure Consent Order is approved or accepted.
18. Respondent understands and agrees that he is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which he is away from his residence.
19. Respondent has the right to consult with an attorney prior to signing this document.
20. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau. The purpose of this Prelicensure Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
21. This Prelicensure Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Henry Carisio, Jr. have read the above Prelicensure Consent Order, and I agree to the terms and allegations set forth therein. I further declare the execution of this Prelicensure Consent Order to be my free act and deed.

Henry Carisio Jr.
Henry Carisio, Jr.

Subscribed and sworn to before me this 15th day of July 2011.

GLADYS L. ORTIZ
Notary Public
My Commission Expires April 30, 2015

Gladys L. Ortiz
Notary Public or person authorized
by law to administer an oath or
affirmation

The above Prelicensure Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 21st day of July 2011, it is hereby ordered and accepted.

Jennifer Filippone
Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Systems Branch